



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

**PUBLIC
DOCUMENT**

Ref: 8ENF-RC

FEB 25 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SDMS Document ID



1004912

Mike Salazar
Utah Paper Box
340 West 200 South
Salt Lake City, UT 84101

Re: Request For Information Pursuant to
Section 104 of CERCLA for the Vermiculite
Intermountain Site (#08-GA) located in Salt Lake
City, Utah

Dear Mr. Salazar:

This letter seeks your cooperation in providing information and documents that may contribute to EPA's understanding in regard to activities, materials and parties that may have contributed to contamination at the Vermiculite Intermountain site. As you are aware, this site is the subject of investigation and potential response action(s) relating to the source, extent, and nature of the release or threatened release of hazardous substances, pollutants or contaminants on or around 333 West 100 South, Salt Lake City, Utah (the Site). Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9604, as amended, you are hereby requested to respond to the Information Request set forth in the Enclosures.

While EPA seeks your voluntary cooperation in this investigation, compliance with this Information Request is required by law. We encourage you to give this matter your prompt attention and to provide a complete and truthful response to this Information Request no later than 30 days from your receipt of this letter. Failure to provide a complete and truthful response to this Information Request may subject you to civil or criminal penalties under federal law. Instructions for completing this Information Request are included in Enclosure 1. If you make a claim of confidentiality for any of the information you submit to EPA, you must justify that claim by separately addressing the points outlined in Enclosure 1 for each document.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Kelcey Land, Enforcement Specialist, ENF-RC
999 18th Street, Suite 500
Denver, CO 80202-2466

If you have questions in regard to this Information Request please contact Kelcey Land at 303-312-6393. Please direct legal questions to Mr. Matthew Cohn, Legal Enforcement Program at 303-312-6853.

Thank you for your cooperation in this matter.

Sincerely,



Sharon Kercher, Director
Technical Enforcement Program,
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Matthew Cohn, ENF-L
Floyd Nichols, EPR-PAER
Kelcey Land, ENF-RC



Printed on Recycled Paper

ENCLOSURE 1
VERMICULITE INTERMOUNTAIN (08-GA)
FIRST INFORMATION REQUEST
INSTRUCTIONS

1. Answer Every Question Completely. A separate response must be made to each question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to penalties. For each question contained in this letter, if information responsive to this information request is not in your possession, custody or control, please identify the person(s) from whom such information may be obtained.

2. Number Each Answer. Please indicate at the beginning of each answer the number of the question to which the answer corresponds. Please type or print clearly.

3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never written down or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.

4. Identify Sources of Answers. For each question, please identify all documents consulted (See Definitions) and all the persons and documents you relied on in producing your answers.

5. Submit Documents with Labels Keyed to Question. For each question, please identify all documents consulted in the preparation of the answer. If for any reason you are withholding any documents that may be responsive to this Information Request, identify the document(s) and state the basis for withholding the document(s).

6. Continuing Obligation to Provide/Correct Information. If additional information or documents become known or available to you after you respond to this request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

7. Complete a Notarized Certificate. You are required to complete a Notarized Certificate that certifies that the information you are providing in response to this Information Request is true, accurate, and complete. A sample format is included in Enclosure 2.

8. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e) (7) (E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. 9604(e) (7) (E) and (F), Section 3007(b) or RCRA, 42 U.S.C. 6927 (b), and 40 CFR 2.203 (b), by attaching to such information at the time it is submitted, a cover sheet,



stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, 41 Fed Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. To prove your claim of confidentiality, each document must separately address the following points:

1. The portion of the information alleged to be entitled to confidential treatment;
 2. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 3. Measures taken by you to guard against the undesired disclosure of the information to others;
 4. The extent to which the information has been disclosed to others, and precautions taken in connection therewith;
 5. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 6. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
9. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractor list Contractors for the purpose of organizing or analyzing the information contained in the responses to this Information Request. If you are submitting information, which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within (14) business days of receiving this Information Request.



ENCLOSURE 1
VERMICULITE INTERMOUNTAIN (08-GA)
FIRST INFORMATION REQUEST
DEFINITIONS

The following definitions shall apply to the following words as they appear in this Enclosure 1:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, agents, subsidiaries, affiliates and predecessors-in-interest.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms "the Site" or "the Facility" for purposes of this Information Request shall, include the Vermiculite Intermountain site at or near 333 West 100 South, Salt Lake City, Utah.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances, including petroleum products.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004 (27) of RCRA.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
9. The term "hazardous materials" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title,



position or business.

11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any and a brief description of its business.

12. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or subject matter.

13. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substances or pollutant or contaminant.

14. The term "document" and "documents" shall mean any writing, recording or stored information including, but not limited to, hard copy and computer document files.

15. The term "arrangement" means every separate contract or other agreement between two or more persons.

16. The term "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

17. The term "property interest" means any interest in property including an easement or right of way, any interest in the rental of property, any interest in a corporation that owns or rents or owned and rented property, and any interest as either the trustee or beneficiary or trust that owns or rents property.

18. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601 et seq.; RCRA, 42 U.S.C. §§ 6901 et seq.; or their regulations found at 40 CFR Part 300 or 40 CFR Part 260 et seq. respectively, in which case the statutory or regulatory definitions shall apply.



QUESTIONS
VERMICULITE INTERMOUNTAIN (#08-GA)
FIRST INFORMATION REQUEST

1. Provide the name, address, and telephone number of the person answering these questions.
2. Provide the name, address, and telephone number of the person that you wish to receive all further communications from EPA related to the Site.
3. State the date that you acquired the property/properties in question and identify the persons from whom you acquired the property. Please provide copies of deeds, leases, or other legal documents by which you acquired each property interest.
4. Did you or do you currently have any direct or indirect familial relationship or any contractual, corporate, or financial relationship (other than a contractual relationship that is created by a contract for the sale of goods or services) with any other person that is potentially liable for response costs at the site?
4. If you share ownership in any parcel of property at the Site with another person or lease to another person any portion of the property, provide the name, address, and telephone number of that person and describe the nature of their interest in the property and provide a copy of any lease discussed herein.
5. If title to the property in question is held in the name of a trust, please provide a copy of the trust agreement and all other documents that created the trust and that describe the terms and conditions of the trust arrangement.
6. Did you acquire any property interests at the Site through inheritance, bequest or by an involuntary acquisition (i.e., tax foreclosure, etc.)? If so, please describe the circumstance of your acquisition of the property, including the date of acquisition and the name of the person from whom you acquired the property.
7. If you are responding to this request on behalf of a company or corporation, is that company or corporation the result of a bankruptcy reorganization? If so, was this company or corporation a potentially responsible party at this Site prior to reorganization?
8. Was a title search or appraisal performed in connection with your acquisition of the property? If so, please provide a copy of this title search and/or appraisal.
9. Did you conduct a Phase I Environmental Site Assessment (ASTM Standard E1527-97 or 2000) or other environmental assessment prior to your purchase of the property? If so, please provide documentation of the date the site assessment was conducted and a copy of the report. If your answer to this question is affirmative, did that site assessment reveal the presence of contamination on the property?



10. Describe what you knew about previous uses of and environmental conditions at the property, including any physical signs that the property might be contaminated (dust, discoloration, marked or unmarked storage containers, etc.) at the time that you acquired it.

11. Are there any buildings on the property that are being used or have been used as residences since you acquired the property? If yes:

- a.) When was the building constructed or placed on the property?
- b.) Provide the name, address, and phone number of the persons residing on the property.
- c.) Is the property a primary residence?
- e.) How many residential units are on the property?

12. Has any business activity been conducted on the property since you acquired it? If so, describe the nature of that business activity, identify the persons that conducted the activity, state when such activities occurred, including termination date of the business if the business is no longer operating.

13. Have you made any changes to the property since you acquired it? Changes for purposes of this question include building structures, major walls, access roads, grading, recontouring, major landscaping, removing structures, major rock removal, major soil removal, adding fill, or similar actions? If yes, please describe in detail the changes made.

14. Describe all steps that you have taken to stop any continuing releases of hazardous substances, to prevent any threatened future releases of hazardous substances or to prevent human or environmental exposure to hazardous substances on your property.

15. Did you at any time know that there was asbestos on the property?

16. Are you aware that someone else has contaminated the property in the past or is doing so today? If so, please describe the situation. Please also describe any business or familial relationship with the person owning or operating the source of contamination.

17. Have you received requests from local, state or federal officials requesting cooperation, information or access with respect to the contamination on the property and, if so, did you fully cooperate with their requests?

18. Are you complying with any land use restrictions which may have been placed on your land relating to the contamination on the property?

19. When you became aware of the contamination on the property, which local, state and/or federal authorities did you notify?



ENCLOSURE 2
VERMICULITE INTERMOUNTAIN (#08-GA)
FIRST INFORMATION REQUEST

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by Utah Paper Box to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Vermiculite Intermountain Site near Salt Lake City, Utah.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.

(SEAL)

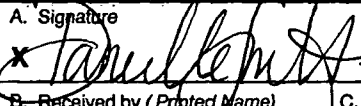
(Signature) (Name, Title)

Subscribed and sworn to me
this ____ day of _____,
2004

Notary Public

My Commission Expires _____
My address is _____



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1.</p> <p>MIKE SALAZAR UTAH PAPER BOX 340 WEST 200 SOUTH SALT LAKE CITY UT 84101</p> <p><i>EMPC</i> FEB 25 2004 <i>S</i></p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery 2-27-04</p>
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7003 2260 0001 7777 5985</p>	

PS Form 3811, August 2001

Domestic Return Receipt

2ACPR1-03-Z-0985

U.S. Postal Service [™]	
<p>CERTIFIED MAIL[™] RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i></p>	
<p>For delivery information visit our website at www.usps.com</p>	
<p>OFFICIAL USE</p>	
<p>Postage \$</p>	<p>Postmark Here</p>
<p>Certified Fee</p>	
<p>Return Receipt Fee (Endorsement Required)</p>	
<p>Restricted Delivery Fee (Endorsement Required)</p>	
<p>Total Post</p>	
<p>Sent To MIKE SALAZAR</p>	
<p>UTAH PAPER BOX</p>	
<p>Street, Apt. 1 or PO Box # 340 WEST 200 SOUTH</p>	
<p>City, State, ZIP+4[®] SALT LAKE CITY UT 84101</p>	
<p>PS Form 3800, June 2002 See Reverse for Instructions</p>	



Concurrence

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-RC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mike Salazar
Utah Paper Box
340 West 200 South
Salt Lake City, UT 84101

Re: Request For Information Pursuant to
Section 104 of CERCLA for the Vermiculite
Intermountain Site (#08-GA) located in Salt Lake
City, Utah

Dear Mr. Salazar:

This letter seeks your cooperation in providing information and documents that may contribute to EPA's understanding in regard to activities, materials and parties that may have contributed to contamination at the Vermiculite Intermountain site. As you are aware, this site is the subject of investigation and potential response action(s) relating to the source, extent, and nature of the release or threatened release of hazardous substances, pollutants or contaminants on or around 333 West 100 South, Salt Lake City, Utah (the Site). Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9604, as amended, you are hereby requested to respond to the Information Request set forth in the Enclosures.

While EPA seeks your voluntary cooperation in this investigation compliance with this Information Request is required by law. We encourage you to give this matter your prompt attention and to provide a complete and truthful response to this Information Request no later than 30 days from your receipt of this letter. Failure to provide a complete and truthful response to this Information Request may subject you to civil or criminal penalties under federal law. Instructions for completing this Information Request are included in Enclosure 1. If you make a claim of confidentiality for any of the information you submit to EPA, you must justify that claim by separately addressing the points outlined in Enclosure 1 for each document.

This Information Request is not subject to the approval requirements of the Paperwork

Handwritten notes:
8ENF-RC
2/17/04
Wichman
done
2/20/04